

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL FIORITO,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-23-834-J
)	
FNU LNU, FTC WARDEN,)	
)	
Respondent.)	

ORDER

Petitioner, a federal prisoner appearing pro se, filed a petition for writ of habeas relief under 28 U.S.C. § 2241 and a motion for leave to proceed in forma pauperis [Doc. No. 5]. The matter was referred for initial proceedings to United States Magistrate Judge Suzanne Mitchell consistent with 28 U.S.C. § 626(b)(1)(B), (C). Judge Mitchell issued a Report and Recommendation finding that Petitioner has sufficient funds to pay the \$5.00 filing fee and recommending that his motion for leave to proceed in forma pauperis be denied. [Doc. No. 6]. Petitioner did not object, waiving his right to appellate review of the factual and legal issues addressed in the Report and Recommendation. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010). Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 6], DENIES Petitioner's motion for leave to proceed in forma pauperis [Doc. No. 5], and ORDERS Petitioner to pay the \$5.00 filing fee in full within twenty-one days, or no later than December 18, 2023. Petitioner is advised that if he does not pay the full \$5.00 filing fee on or before that date, this action will be dismissed without prejudice.

IT IS SO ORDERED this 27th day of November, 2023.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE